

CHAPTER 11. PUBLIC UTILITIES**Section 1100 - Sanitary Sewer and Water Utility; Charges**

1100.01 Sanitary Sewer and Water Utility Established. The City sanitary sewer and water system shall be operated as a public utility pursuant to M.S. 444.075 from which revenues will be derived subject to the provisions of this Section and State Law. The sanitary sewer and water utility shall be part of the Public Works Department and under the direction of the Engineer.

1100.02 Purpose for Charges. The rates and charges established by this Section are for the purpose of paying (i) the share allocated to the City by the Metropolitan Waste Control Commission established by M.S. 473.503 for the operation and maintenance costs of the metropolitan disposal system and as defined in M.S. 473.121, Subd. 24, and (ii) the operation, construction, reconstruction, maintenance, repair, enlargement, improvement, use and administrative expenses of the City sanitary sewer and water system.

1100.03 Sewer and Water Charges.

Subd. 1 **Classifications.** The Council may classify sanitary sewer services and water services according to:

- A. Land use and density.
- B. Areas with water or sanitary sewer services supplied by other cities.
- C. City Park Department and Street Department usage.

All classifications shall be as set forth in Section 185 of this Code.

Subd. 2 **Rates.** The rates for each classification including flat annual charges and minimum charges shall be as set forth in Section 185 of this Code.

Subd. 3 **Industrial User Extra Strength Charges.** To pay the costs allocated to the City each year by the Metropolitan Waste Control Commission that are based upon the strength of discharge of industrial users receiving waste treatment services within or served by the City, there is hereby approved, adopted and established, in addition to the other charges established by this Subsection, a sewer charge upon each person receiving waste treatment services within or served by the City based upon strength of industrial waste discharged into the sewer system of the City. The industrial user extra strength charges sent to the City by the Metropolitan Waste Control Commission shall be collected from the user which generated the industrial waste as provided in Subd. 5 of Subsection 1100.04.

Subd. 4 **Other Charges.** In addition to the charges permitted by this Subsection, the City may make charges for the following:

- A. Shutting off or resuming service at the curb stop if done at the customer's request, if done to terminate service pursuant to Subd. 3 of Subsection 1100.05 or

if done to undertake repairs pursuant to Subd. 2 or Subd. 3 of Subsection 1100.06. The charges will be in the amount set forth in Section 185 of this Code.

B. Repairs undertaken by the City pursuant to Subd. 2 or Subd. 3 of Subsection 1100.06. The charge shall be equal to the cost of the repairs including the cost of supervision and administration.

C. Replacement or repair of City issued or approved metering devices if required due to damage or negligence.

D. Surcharges for buildings or premises which are not in conformance with Subsection 445.08 of this Code.

E. Surcharges for buildings or premises in which the owner, occupant or lessee has not permitted the City to install a remote radio water meter reading device.

1100.04 Meters; Meter Reading; Billing; Payment.

Subd. 1 Meter Required.

A. All permanent service connections to the City water system shall be metered by a metering device and remote radio meter reading device issued by the City. The metering device and remote radio meter reading device shall be installed by the owner of the property in accordance with Section 440 of this Code.

B. The owner of (i) a residential building with more than four dwelling units or (ii) any residential building which is served by City sanitary sewer but is not served by City water, shall install and maintain in good working condition, a meter on the building's water supply for the purpose of estimating the building's discharge to the sanitary sewer system. The meter shall be issued by the City, or in the alternative, the owner may install a sewage metering device approved by the Engineer.

C. The fee for the issuance of a meter shall be as set forth in Section 185 of this Code.

D. The City may remove any meter at any time for testing, calibration, or replacement.

Subd. 2 **Meter Reading.** The City shall cause each meter required by Subd. 1 of this Subsection to be read once every three months. If the meter cannot be read when scheduled, the City may estimate the meter reading based upon the actual water consumption during the corresponding time period in the then immediately preceding year, or of the then immediately preceding time period for meters installed less than one year.

Subd. 3 **Basis for Sewer Charge.** The basis for the sewer charge shall be:

A. For all uses except single dwelling unit and double dwelling unit buildings as defined by Section 850 of this Code, the quantity used for computing the sewer charge shall be equal to either (i) the metered quantity of water used during each billing period or (ii) the metered discharge to the sanitary sewer system during each billing period if the building is equipped with a sewage metering device.

B. For single dwelling unit and double dwelling unit buildings, as determined by Section 850 of this Code, the metered usage of water as computed following the meter reading taken in February, March, or April of each year shall be used to determine the sewer charge for each subsequent billing period for that year.

C. Buildings which are not connected to the City water system, and which are not required by Subd. 1 of this Subsection to have a sewage metering device shall be charged the minimum sewer charge provided by Section 185 of this Code.

D. Metered water services used exclusively for irrigation purposes shall not be required to pay a sewer charge.

Subd. 4 **Basis for Water Charge.** The basis for the water charge shall be the metered usage of water pursuant to Subd. 2 of this Subsection.

Subd. 5 **Billing.** Following the recording of a meter reading the City shall render a bill to the owner, lessee, or occupant of the property so metered. The amount of the bill shall be based upon (i) the metered usage of water or sewer services times the rates established by Section 185 of this Code, (ii) industrial user extra strength charges sent to the City by the Metropolitan Waste Control Commission for collection, (iii) any other charges permitted by this Section.

Subd. 6 **ACH Payment Discount.** The City may offer a quarterly discount for accounts that are paid with ACH.

Subd. 7 **Payment, Loss of Discount, Penalties.** All bills shall be payable at the City Hall on the due date which is thirty days after the bills are mailed. Bills not so paid lose any discount offered, and the full amount of the bill shall be payable. Bills not paid by the due date shall be charged a late payment penalty of 5% per quarterly billing until paid or until certified to taxes.

1100.05 Delinquent Accounts, Collection, Termination of Service.

Subd. 1 **Non-Emergency Termination of Service.** If the City wishes to terminate service for any reason other than emergency, the city staff shall seek specific authority from the City Council to initiate the termination process. Staff shall prepare a list of accounts to be terminated as well as the reasons for each termination.

Subd. 2 **Notice.** Once the City Council has granted authority to initiate the non-emergency termination process, the City shall issue a notice to the person whose name appears on the City's records as being responsible for the account.

A copy of the notice shall also be sent to the owner or manager of the property if different than the account holder. The name and address of the owner shall be determined from records maintained by the Assessor or other appropriate records in the City. The notice shall state that:

- A. The City intends to terminate water service (if the property is served by City water);
- B. The reason for the proposed termination of service;
- C. The City may certify the delinquent charges to the County for collection in accordance with Subd. 5 of this Subsection;
- D. The City may seek collection of the delinquent charges by any other remedies; and
- E. The time period provided prior to termination of the water service and prior to certification with the County or before other collection remedies are begun, for (i) paying the delinquent bill, (ii) requesting an opportunity to discuss the delinquent bill with a City employee designated by the Manager and identified in the notice, (iii) requesting a hearing pursuant to Subd. 3 of this Subsection. The time period provided in the notice shall be not less than ten days after the date of the notice.

Subd. 3 Hearing. If the notice given in accordance with Subd. 2 of this Subsection provides for the termination of the water service, the person who is responsible for the delinquent account may file a written appeal with the Clerk. The appeal must be filed within ten days of the date of said notice. All appeals under this Subdivision shall be heard by the Council. The hearing shall be held not later than 30 days after receipt of the appeal. A notice of the date, time, place and purpose of the hearing by the Council shall be mailed not less than ten days prior to the hearing to the person who filed the appeal. No action shall be taken by the City to terminate the service, certify to the County for collection, or exercise other remedies until the appeal is decided by the Council. After hearing the oral and written views of the person filing the appeal, other interested persons and City staff, the Council shall make its decision at the same meeting or at a specified future meeting.

Subd. 4 Termination of Water Service. The City may proceed to terminate the water service if:

- A. Payment is not received within the time period provided in the notice and no appeal is received within ten days of the date of the notice; or
- B. An appeal is received within ten days of the date of the notice, and the Council orders termination of the water service following a hearing held pursuant to Subd. 3 of this Subsection; or
- C. No appeal is received but a request to discuss the delinquent bill is received and a resolution of the delinquent bill is not reached after discussions between the person responsible for the bill and the designated City employee identified in the notice.

Subd. 5 **Certification of Delinquent Accounts.** If payment is not received within the time period provided in the notice, or if a resolution of the delinquent bill is not reached, the City may certify the delinquent balance to the County Auditor with taxes against the property served, for collection as other taxes are collected. Such certification shall not preclude the City or its agent from recovery of the delinquent bill using any other available remedy.

Subd. 6 **Termination of Service for Two or More Properties.** The City may terminate water service in accordance with this Subsection even if such termination will affect property in addition to that owned or occupied by the person responsible for the account. A copy of the notice required by Subd. 2 of this Subsection shall be sent to the owner of such property that would be affected by the termination of a water service and said owner shall have the same right to appeal to the Council and to discuss the bill with the identified City employee as does the person responsible for the account.

1100.06 Water Main or Service Line Defects.

Subd. 1 **Water Main Defects.** When defects in the City owned water system causes substantial water loss, any water service may be temporarily discontinued until repairs are made.

Subd. 2 **Water Service Line Defects.** If a water service line is defective between the curb stop and the meter, the property owner shall make necessary repairs within five days after notification by the City. If repairs are not undertaken within five days, the City may discontinue service and make the necessary repairs.

Subd. 3 **Sanitary Sewer Service Line Defects.** If a sanitary sewer service line is defective between the sanitary sewer main and a building, the property owner shall make the necessary repairs within five days after notification by the City. If the repairs are not undertaken within five days, the City may make the necessary repairs.”

1100.07 Service Line Owned by Property Owner. The water service line from the curb stop and the sanitary sewer service line from the sanitary service main is owned by and shall be maintained by the owner of the property serviced by such service line

History: Ord 1101 codified 1970; amended by 1101-A1 12-23-71, 1101-A2 10-4-73, 1101-A3 5-9-74, 1101-A4 1-14-76, 1101-A5 8-11-76, 1101-A6 11-3-76, 1101-A7 6-28-78, 1101-A8 7-16-80, 1101-A9 8-13-90, 1101-A10 3-12-86, 1101-A11 11-12-86 ; Ord 1998-1; 3-16-98; Ord 2000-10 10-17-00; Ord 2006-4, 04-04-06; Ord 2009-15, 01-05-10

Reference: M.S. 444.075, 412.321, 473.121, 473.501 et seq.

Cross Reference: Sections 185, 440, 850